

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DISTRICT OF MASSACHUSETTS )  
IN RE: NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )  
\_\_\_\_\_  
THIS DOCUMENT RELATES TO: )  
)  
Suits Naming Specialty Surgery Center, )  
Crossville, PLLC )  
 )

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

**[PROPOSED] ORDER MODIFYING CASE MANAGEMENT DEADLINES  
IN SPECIALTY SURGERY CENTER CASES**

This order is intended to amend and supersede previous case management deadlines relating to discovery in all actions against Specialty Surgery Center, PLLC and associated defendants. The case management deadlines in those matters are hereby amended as follows:

- Close of Common Fact Discovery: Thirty (30) days after the Court's ruling on the PSC's forthcoming Motion(s) to Compel or the Court's ruling on the 12(b)(6) dispositive motion by Calisher & Associates, Inc., whichever is later. This Order is not intended to reopen common fact discovery on all issues as between the PSC, Specialty Surgery Center, LLC, Kenneth R. Lister, M.D., and Kenneth R. Lister, M.D., P.C. Common fact discovery between the PSC and Specialty Surgery Center, LLC, Kenneth R. Lister, M.D., and Kenneth R. Lister, M.D., P.C. shall be limited to those issues raised in the PSC's Motion to Compel filed on December 11, 2015 (Doc. 2494) concerning the sufficiency of Specialty Surgery Center, LLC's November 20, 2015 responses to discovery served on October 12, 2015 including, but not limited to, whether the PSC is entitled to re-depose Dr. Lister and Jean Atkinson, RN on those issues. Should Calisher remain in the cases after a ruling on its dispositive motion, the parties shall meet and confer in an effort to agree on the nature of Calisher-specific common discovery. The nature and extent of further common fact discovery related to the Motion to Compel or to Calisher will be determined by further Orders of this Court or by agreement of the parties;
- Plaintiffs' Common Expert Disclosures – Thirty (30) days from close of common fact discovery;

- Defendants' Common Expert Disclosures – Thirty (30) days from disclosure of plaintiff's common expert disclosures;
- Plaintiffs' Common Reply Expert Disclosures – Fifteen (15) days from the disclosure of defendants' common expert reports;
- Common Expert Deposition Deadline – Fifteen (15) days from the disclosure of plaintiffs' common reply expert disclosures; and
- All Other Pretrial Deadlines – to be determined.

It is so **ORDERED**.

Dated: \_\_\_\_\_

By: \_\_\_\_\_